

**TESTIMONY OF DAVID N. BAKER
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**Before The
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
COMMITTEE ON ENERGY AND COMMERCE
U.S. HOUSE OF REPRESENTATIVES**

**Hearing on
“Making the Internet Safe for Kids: The Role of ISPs
and Social Networking Sites”**

June 27, 2006

Chairman Whitfield, Ranking Member Stupak, Members of the Subcommittee, on behalf of EarthLink, Inc., thank you for inviting me to testify today as you continue to examine the critically important issue of how we all can make the Internet a safer environment for our children. The Internet is a tremendous resource for children. As a father, I marvel at my own children's ability to use the Internet to help them with their homework, to challenge them with knowledge that supplements what they learn in school, and to satisfy their genuine intellectual curiosity. At EarthLink, we are proud to have worked for over twelve years to develop this important tool for learning, e-commerce and legitimate communications and entertainment. And we have worked hard to combat each new public threat as it has arisen – including spam, spyware and phisher sites. We are similarly engaged in an ongoing battle against those who would use the Internet to harm our children.

There is no question that the Internet's capabilities provide criminal predators with new ways to attack children. The stories you have brought to light are chilling. Parents abusing their own children and then putting the pictures of that abuse online. Criminals – and they are just that – luring children into performing lewd acts to be

recorded and shared. These are disgusting, perverse and unlawful acts for which we collectively should have no tolerance.

At EarthLink, we try to provide our subscribers with as safe as possible an environment for children to gain the benefits of the Internet, while minimizing the risks. We focus on three strategies:

- Prevention – Empowering parents with strong parental controls and safeguarded communications tools;
- Reporting – Getting information on suspected child pornography and other abuse to the National Center for Missing and Exploited Children;
- Enabling prosecution – Responding to law enforcement requests for data to assist in the prosecution of abusers.

To each of these strategies we bring our proven track record for combating anti-consumer abuses. I will discuss each of these in further detail.

Before I do so, however, let me give you a little background on EarthLink. For twelve years, EarthLink has been on the cutting edge of delivering the Internet to American consumers and business, first through dial-up, then broadband and now VoIP, wireless voice and municipal wireless Internet services. We were an early provider of premium dial-up Internet access, and we also popularized value dial-up through our PeoplePC brand. Over the past twelve years, we've seen the Internet grow from the specialized province of a few tech-savvy early adopters to an integral part of American work and family life. As of the end of the first quarter 2006, EarthLink had approximately 3.4 million dial-up subscribers and 1.7 million broadband subscribers, giving us about 3.7% of total broadband subscribers nationwide.

I. Prevention.

As I mentioned, the first of our three strategies is prevention. We are not a Bell company or a cable company. We make our business by providing our customers with a more customer-friendly Internet experience. Our motto is, "We revolve around you." So we have developed and incorporated into our service offerings the EarthLink Protection Control Center which contains tools to fight spam, spyware, pop-ups, hackers, & viruses. Our website also contains family safety information such as the Kids Fighting Chance 50+ Safety Tips (available at www.earthlink.net/software/free/parentalcontrols/tips/), which EarthLink, working in partnership with the Federal Bureau of Investigation and Kids Fighting Chance, promoted in 2004 in 33 malls in 26 cities across the country. And our free, downloadable Internet safety tool package (called EarthLink Total Access) includes our Parental Controls.

SOFTWARE & TOOLS

For Members

Free

Premium

For Non-Members

Free

Premium

HAVE A QUESTION?

Get answers
FAST!



Not sure what service is
right for you? Want to
upgrade your service?

Click for live
SALES CHAT

Open 6am-12am EST
Monday-Sunday

Need help with your
current service?

Click for live
SUPPORT CHAT

Open 24/7

EarthLink Parental Controls

Protect Your Children

Top 50+ Kids Safety Tips from Kids Fighting Chance and EarthLink®

Safety Tips for Kids Aged 5 to 11

1. Always let parents know where you are going, who you'll be with, and what time you will arrive home.
2. Always get permission from a parent before going to someone's house.
3. Do not answer the door if you are home alone.
4. Never open the door to a stranger.
5. Never say you are home alone when answering the phone. (Instead say something like, "My dad is in the shower. Can I take a message?")
6. Never let someone from the cable company, phone company, or another uniformed person into the house if an adult/parent is not present.
7. Always lock the door when home and put on the alarm system (if one is available).
8. Never enter anyone's car unless a parent has said it is OK to do so.
9. Keep objects in each room that might be used as a weapon (like a baseball bat or walking cane).
10. Call local police or 911 to make sure they're telling the truth if someone claims to be a police officer.
11. Never take gifts or candy from strangers.
12. Never play in isolated areas or inside/near deserted buildings.
13. Always go with your instincts and go somewhere safe if you feel fearful of someone.
14. Call 911 in an emergency and say "I need help" or leave the phone off the hook if talking is not possible—the police can trace your location anywhere.
15. Never stop fighting back and always keep looking for an escape route.
16. Learn and practice the Fighting Chance™ techniques!

LEARN MORE

Parental Controls

- [Quick Tour](#)
- [FAQ](#)
- [EarthLink Family Safety Advice](#)
- [Top 50+ Kids Safety Tips](#)
- [Download TotalAccess](#)
- [Join EarthLink](#)



Visit the Kids
Fighting Chance
Web Site

Safety Tips for Kids Aged 12 and Older

1. Call a parent to come anytime, anywhere, if you are in a situation where you feel uncomfortable (no matter how late or how far).
2. Never hitchhike.
3. Always avoid short cuts through alleys, deserted parks, or buildings.
4. Never walk alone—use the "buddy system".
5. Remember suspicious car license plates and write the plate number in snow or dirt if no pen or paper is available.
6. Trust your instincts—recognize and report suspicious behavior.
7. Give up jewelry or cash if attacked.
8. Always walk near lights and stay in public and open areas at night.
9. Learn and practice the Fighting Chance™ techniques!

Safety Tips for Parents

1. Raise your child to have a strong sense of self-respect and self-confidence.
2. Create an environment where your child feels free to talk and make time to listen to your child.
3. Talk about difficult topics with your child—uninformed children are the most vulnerable.
4. Teach your children to recognize danger signals or abduction scenarios (e.g., "Can you help me find my lost puppy?").
5. Know your child's friends and their parents.
6. Never leave children under 5 years old unattended.
7. Avoid clothing or toys with child's name on it.
8. Thoroughly check references of all potential babysitters or childcare workers.
9. Make sure your child has all appropriate phone numbers and emergency services numbers, post them in several places throughout the house.
10. Teach your child safe hiding places throughout the house.
11. Teach your child escape routes out of the house and places to run (e.g., neighbors' house).
12. Point out safe houses in your neighborhood that your child can go to if frightened or chased.
13. Never leave a child alone in a public place.
14. Always accompany your child into public restrooms.
15. Always go with your child to supervise door-to-door activities such as fundraising or Halloween.
16. Teach child that police are their friends.
17. Keep up-to-date medical and dental records of your child.
18. Have your child fingerprinted.
19. Find out where convicted sex offenders live in your community.
20. Learn the Fighting Chance™ techniques and practice them with your child!

Communication Tips for Parents

1. Make it a family rule that your child must let you know where they are at all times.
2. Choose a family "password" that children can use if they are ever in trouble. Review it every week.
3. Make sure your children know their last name, phone number, and address.
4. Make sure your child knows how to dial 911.
5. Let your child know it is all right to say "no" to an adult if asked to do something they are not comfortable doing.
6. Teach child that adults never need help from children for any reason (e.g., help find puppy, directions, etc).
7. Explain that if an adult or child ever asks them to "keep a secret" it is all right for them to discuss it with a parent/trusted adult.

Essential Escape Techniques

1. If taken by a stranger, teach to yell specific phrases such as, "Help, I have been abducted, I do not know this person!" "I need your help. I'm being kidnapped!"
2. If grabbed inside a public place like a mall, teach child to drop weight down, twist, stretch out, kick their legs, and scream "Help! I need your help. I'm being kidnapped!"
3. If child is grabbed in a store, teach child to yell for a cashier or other adult and to shatter merchandise and knock down displays. Tell child to try to grab onto the nearest person.
4. If forced into a car or building, teach child to scream and shatter objects.
5. If a car pulls up beside a child, teach your child to move away from the car. Tell child to run in the opposite direction the car is facing.
6. If abducted in a parking lot, teach child to run, pound on cars to set off car alarms, and to go under a parked car if possible.
7. If locked in a trunk, teach child to push out taillights and let wires dangle out.
8. If abducted in to a car, teach child to jump into the backseat and go out the back door.
9. If stuck in the front seat of a car, teach how to pull out wires under dashboard to disable car or put something small inside the ignition switch.
10. If locked in an apartment or house, teach child to always try all doors and windows for escape route. Create an emergency situation (flood bathroom, break windows, set off alarms).

To promote online safety, we begin by providing Online Safety Tips for both parents and children (www.earthlink.net/software/free/parentalcontrols/advice/):

Online Safety Tips

Safety Tips for Parents

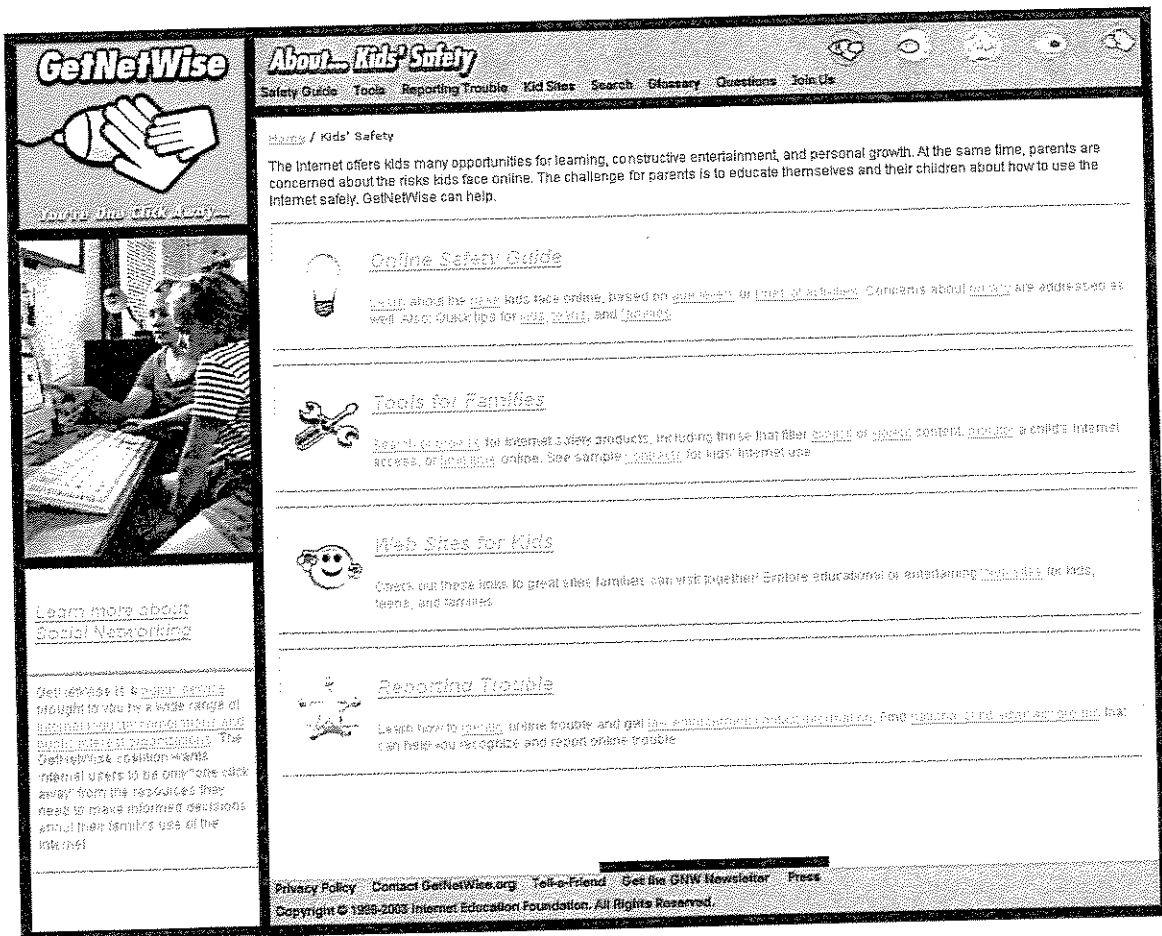
1. **Talk to your child:** Communicate openly with your children about the potential dangers of the Internet.
2. **Keep the computer in a common room:** The best place for a computer is in a common room in the house, not your child's bedroom. It is easier to make sure the wrong people are not communicating with your children if the screen is visible to you.
3. **Use parental control tools:** Most ISPs provide some form of parental control and blocking software. While these can be great tools, do not rely on them completely to protect your children.
4. **Monitor the chat rooms:** While electronic chat can be a great place for children to make new friends, it is also prowled by computer-sex offenders. Be sure you're familiar with your children's favorite chat rooms.
5. **Have a shared email account:** Always maintain access to your child's online account and randomly check his/her email.
6. **Teach responsibility:** The Internet is a great tool, and as a parent, you should teach your child responsible use of the resources online. There is much more to online experience than chat rooms.

Safety Tips for Kids Aged 5 to 11

1. **Do not share personal information:** Never share any information such as a home or school address, telephone number, parent's work address/telephone number, or the name and location of your school without your parent's permission.
2. **Never agree to meet an online friend in person:** Never make plans to meet anyone you meet online without first checking with parents. If your parents agree to the meeting, be sure that it is in a public place and bring a friend or adult along.
3. **Never send your picture:** Don't send a person your picture or anything else without first checking with your parents.
4. **Don't respond to mean messages:** You shouldn't respond to any messages that are mean or make you feel uncomfortable in any way.

EarthLink is also proud to support and be on the steering committee of GetNetWise (www.getnetwise.org), a public service by Internet industry corporations and public interest organizations to help ensure that Internet users have safe and constructive online experiences. The GetNetWise website has materials that specifically address children's safety, the first page of which is shown below. As part of its Online Safety

Guide, GetNetWise provides safety information specifically related to different Internet settings, including social networking sites and Instant Messaging.



EarthLink's Parental Controls suite empowers parents to follow these safety recommendations, giving them options as to what access to permit their children to have to the Internet – and what access to permit other parties on the Internet to have to their children. Using our Parental Controls, parents can specify whether they want their child to be limited to 15,000 EarthLink approved sites (a “whitelist”), or to be permitted to go anywhere other than sites EarthLink specifically blocks (a “blacklist”). In addition, parents can customize these lists, adding to the list of approved sites their child may visit or the list of blocked sites the child may not visit. Moreover, even if a website is not specifically blocked by EarthLink or by the parent's request, EarthLink's Parental

Control software will automatically check the language on all web pages the child visits and remove inappropriate language before displaying them. If the number of inappropriate words on a web page is excessive, the Parental Control software will block the site altogether. In addition, children cannot create blogs when Parental Controls are activated.

Furthermore, using the CyberFriends feature of EarthLink's Parental Controls, a parent can create an approved list of persons that his or her child can e-mail, IM or chat with over the Internet. If the child is e-mailed by or attempts to e-mail someone who is not on the approved list, the e-mail is blocked and stored until the parent views the e-mail and decides whether the child can read it or deletes it. In addition, a parent can specify whether the child will be able to open attachments. CyberFriends strictly limits not only whom your child can contact, but also who can contact your child over the Internet.

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3. Getting Started
4. Setting Up a Child Profile
5. My Account
6. Profile Settings
7. The KidPatrol Browser
8. Getting Help

EarthLink Parental Controls

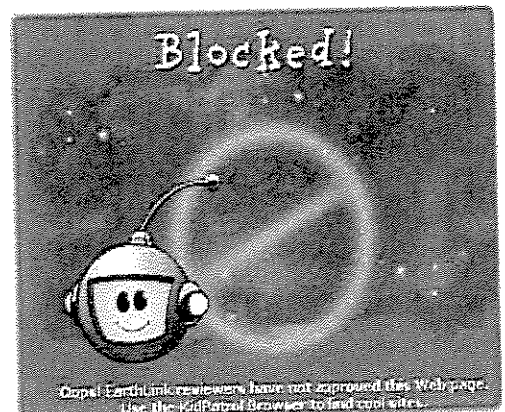
What You Can Control

With Parental Controls, you can customize these Internet safety features for each of your children:

Web Blocking and Filtering

Limit your child's Web surfing to EarthLink's list of more than 15,000 kid-friendly Web sites, or let your kids visit all Web sites except for the 3 million sites that EarthLink has blocked. You can also create your own lists of approved and blocked Web sites.

Even if a site is not specifically blocked by you or EarthLink, Parental Controls can automatically check the language on all Web pages your child visits and remove inappropriate language before displaying them. If the number of inappropriate words on a Web page is excessive, Parental Controls blocks the site completely.



CyberFriends

CyberFriends are the people you allow your child to communicate with online. You create a list of approved pals—friends and family—so that you don't have to worry about your child being bothered by strangers. You can also define which features of the CyberFriends Communicator (email, chat, bulletin boards, instant messaging, etc.) your child can use.

Email Screening

If someone who is not a CyberFriend sends email to your child, Parental Controls locks that email so that you can review it first. You can then unlock the message so your child to see it, or simply delete it. Parental Controls also locks email that your child sends to non-CyberFriends; you can either unlock or delete those emails, too.

Time Limits

If you're concerned about your child spending too much time online, you can restrict the hours per day, week, or month that your child can use the Internet.

For parents of younger children, we provide the KidsPatrol Browser. In addition to providing a web browser function, the KidsPatrol Browser contains its own email, chat, bulletin board and instant messaging programs.

Our Parental Controls software also allows parents to set a time limit on a child's Internet usage, including limiting the precise times during each day when the Internet can be used or by limiting the total number of hours per day, week or month that a child may spend online.

We try to make these Parental Controls easy to use. They are downloadable for free as part of our standard Internet protection package. When adding a child's email to the parent's account, Parental Controls can be activated with simply a click of the mouse.

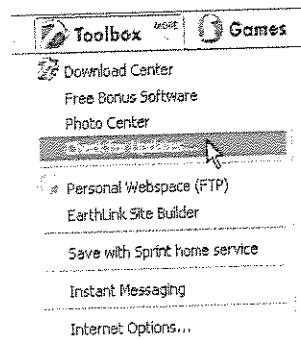
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EarthLink® Parental Controls

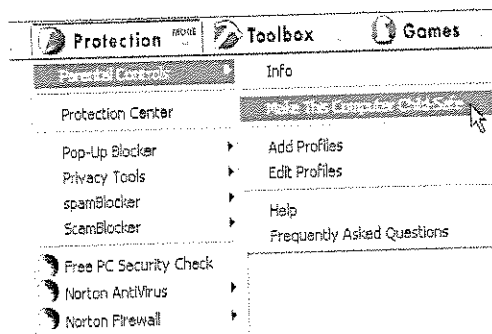
Getting Started

To use Parental Controls, you'll need the latest version of [EarthLink TotalAccess for Windows](#).

Using TotalAccess, you can download and install Parental Controls via the Update Manager, available under the **Toolbox** menu:



After Parental Controls are installed, you'll see new options under the **Protection** button in the Task Panel. Choose **Make This Computer Child-Safe** to require everyone in your household to sign in to TotalAccess before accessing the Internet. This prevents your kids from using other software to go online and bypassing Parental Controls:



Also, make sure the **Save** box in the TotalAccess sign-in window is unchecked for any parent profiles in your household. If you save your password, your children will be able to sign in under your profile and bypass Parental Controls.

Moreover, we have made it easy to enter the child's permitted CyberFriends and to activate the web controls.



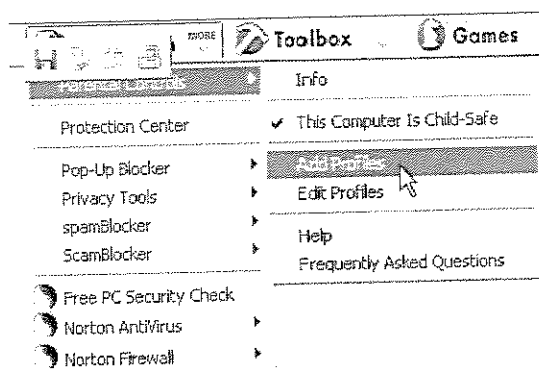
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EarthLink® Parental Controls

Setting Up a Child Profile

Your next step is to create a profile for each child. This lets you customize Parental Controls to the needs of each child according to age. You can give your older kids more freedom to surf the Net while placing tighter restrictions on your younger children's online activities.

You can set up a profile from the Task Panel using the Add Profiles option:



You'll be taken to **My Account**, where you can create profiles (you'll have to sign in using your primary profile first).

Anytime you want to change the settings for a profile you've already created, go back to the Parental Controls menu in the Task Panel and choose Edit Profiles.

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My Account


The Parental Controls page at **My Account** is where you manage your kids' safety profiles. It lists all the profiles in your account:

The screenshot shows the EarthLink website's 'My Account' section. At the top, there's a navigation bar with links like 'EarthLink.net', 'Start Page', 'Web Mail', 'Biz Center', 'My Account', and 'Support'. Below this, the 'My Account' header is followed by a welcome message: 'Welcome, John (username@earthlink.net), subscriber since 02/17/03'. A 'Sign Out' link is in the top right. On the left, a sidebar menu lists: 'My Account Home', 'Profiles', 'Safety Information', 'Contact Information', 'Service Details', and 'Help'. The main content area has a 'Profiles' section stating 'Your account comes with 8 free profiles. You are using 3' and an 'Add a New Profile' link. Below this is a table of profiles:

Name	Status	Options	Profile Name	Status
John Doe	John Doe	Edit	Johnny Doe	child1@earthlink.net
Email Address	john.doe@earthlink.net	Edit	Parental Controls	ON
Password	*****	Edit	Janet Doe	child2@earthlink.net
Email Forwarding	Enabled	Edit	Parental Controls	ON
Vacation Messaging	Disabled	Edit		
Email Space	1GB	Edit		
SpamBlocker	Medium	Edit		
Virus Blocker	Enabled	Edit		
eLink	Not Subscribed	Edit		
Usenet		Check Usenet		

At the bottom of the page, there's a navigation bar with links: 'My Account Home', 'Profiles', 'Safety Information', 'Contact Information', 'Service Details', and 'Help'.

To create a profile, click **Add a New Profile**. To change an existing profile, click the **Edit** link in a child's profile and look for the **Parental Controls** section on the child's profile page:

Profiles			Parent
	Status	Options	
Name	Janet Doe	Edit	
Email Address	child2@earthlink.net	Edit	
Password	*****	Edit	
 Parental Controls	ON	Turn OFF	
		Edit Settings	

Click **Edit Settings** to customize this child's profile. (You can turn Parental Controls on or off here, too.)

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EarthLink Parental Controls

Profile Settings

When you edit the Parental Controls settings for a child's profile, you choose which EarthLink features your kids can use, which Web sites they can see, who they can talk to, and how long they can stay online:

Parental Controls

Menu

- [My Account Home](#)
- [Profiles](#)
- [Service Details](#)
- [Help](#)

Parental Controls

- [Profile Settings](#)
- [Parental Controls Info](#)
- [Download TotalAccess Software](#)

[Sign Out](#)

Profile Settings

If you want to change another child's profile, [click here](#).

If your child is on the internet right now, he or she **MUST** sign out of TotalAccess and sign in again for any changes to take effect (right-click on the EarthLink icon at the bottom of their screen, near the clock, and select Sign Out.)

Child Profile Settings	
Email Address:	child2@earthlink.net
Parental Controls:	Enabled
Gender:	<input type="text" value="Select"/>
Date of Birth:	<input type="text" value="Select"/> <input type="text" value="Select"/> <input type="text" value="Select"/>
Age Group:	<input type="text" value="Select"/>
Restore this profile to the default settings for the selected age group.	
<input type="button" value="Restore This Profile"/>	<input type="button" value="Learn More"/>

Web Browser Settings

You have two options for limiting your child's Web browsing. You can restrict them to visiting a list of **Approved Sites**, or allow them to visit any site except **Blocked Sites** (you can add sites to either list).

You can also require that younger children use the EarthLink KidPatrol Browser, which has clear child-friendly navigation and colorful special effects.

Finally, you can have EarthLink Parental Controls scan the Web pages your child visits - masking or blocking inappropriate content.

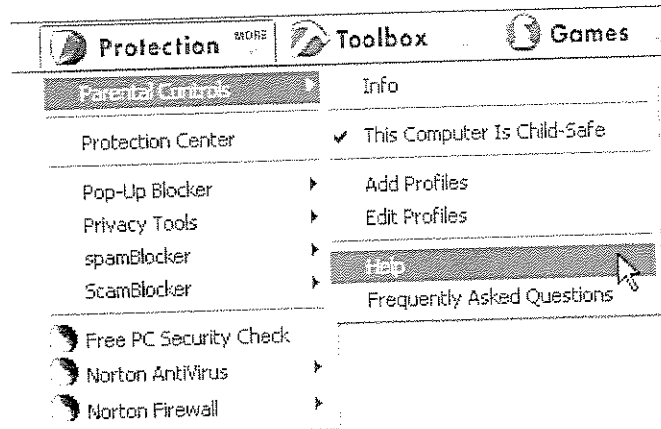
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Getting Help

If you ever need more information about using Parental Controls, help is available from the TotalAccess Task Panel:



Now that you know the basics of how Parental Controls work, you're ready to make the Internet safe for your kids. Install Parental Controls today-and enjoy peace of mind!

With these services, we have worked to empower parents to supervise and protect their children's online use. Finally, I note that EarthLink does not itself operate general IM services (*i.e.*, other than the KidsPatrol IM), nor does it operate its own chat rooms or provide "social networking" services.

II. Reporting.

Moving beyond prevention, our next strategy is to report and to facilitate the reporting of unlawful child pornography. As is our obligation under law, when EarthLink discovers material that it believes may be child pornography, it reports that material to the National Center for Missing and Exploited Children (NCMEC), and has

done so since 2001. In our experience in the ordinary conduct of our business, we have not discovered substantial amounts of child pornography.

There are generally two ways that we receive complaints. The first is through customer e-mail complaints to our various abuse channels (such as abuse@earthlink.net). Our Abuse team regularly handles customers' reports of fraud, spam and any other violations of EarthLink's Acceptable Use Policy. When one of our abuse investigators receives a complaint about material that appears may be child pornography, the investigator immediately reports that allegation to the National Center for Missing and Exploited Children's CyberTipline.

We may also receive complaints about suspected child pornography or exploitation through calls to our customer service representatives. All of our customer service representatives are specifically trained and given written guidance on how to walk a customer through the steps of reporting child pornography to NCMEC. This written guidance is automatically available to them as they are answering calls. This results in the complainant forwarding the offending material or related information directly to NCMEC.

Our Abuse team also maintains regular contacts with the security staffs of other ISPs. Through this network, we would be notified by other ISPs if they found that an EarthLink subscriber was sending out prohibited child pornography. We can then conduct a follow-up investigation and take appropriate action. In our experience, this happens 2-3 times per year, with resulting referrals to NCMEC. If it comes to our attention that a site we are hosting has child images, we immediately contact law enforcement.

III. Enabling Prosecution.

EarthLink fully cooperates with law enforcement investigations and prosecutions of child exploitation cases. We regularly receive subpoenas requesting specific subscriber information, such as which customer used a specific IP address at a specific time, or which customer is associated with a particular username. EarthLink receives approximately 1,000 subpoenas per year, approximately 15% of which involve child exploitation. We give legal process associated with child endangerment or exploitation the highest priority.

We retain the information necessary to provide police and prosecutors with information such as which user was assigned a given IP address at a given date and time. These logs are kept in a readily accessible "live" database for several months and are then archived in searchable and retrievable tape storage for seven years.

As further evidence of this, let me relate a recent experience we had. In November 2005, EarthLink received a subpoena for subscriber information for IP addresses, some of which were over five months old. We were able to pull the necessary back-up tapes from archives, retrieve the information and respond to law enforcement within two weeks, notwithstanding the intervening Thanksgiving holiday. We stand ready, willing and able to promptly assist law enforcement authorities when they need such assistance to help put criminals behind bars.

* * *

In conclusion, we believe that a combination of the proper use of prevention tools like Parental Controls, the prompt reporting of allegations of child exploitation, and cooperation with law enforcement prosecutions of offenses can help make the Internet a

safer place for children and their families. Like everyone here today, we would much rather help prevent child pornography and exploitation than to deal with the aftermath. Thank you again for the opportunity to testify today on this important matter.